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9 *Attorneys for Defendant Smith's Food & Drug Centers, Inc.*

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 MARIE BACIAK,

13 Plaintiff,

14 vs.

15 SMITH'S FOOD & DRUG CENTERS,
16 INC.,

17 Defendant.

Case No.: 2:09-cv-02059-KJD-RJJ

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

18 Plaintiff Marie Baciak ("Baciak"), by and through her counsel of record, and Defendant
19 Smith's Food & Drug Centers, Inc. ("Smith's"), by and through its counsel of record, hereby
20 stipulate and agree that this action and all claims asserted herein against Smith's may be
21 dismissed with prejudice and on the merits pursuant to Rule 41(a)(1)(ii) of the Federal Rules of
22 Civil Procedure, the parties to bear their own costs, expenses and attorneys' fees. Baciak and
23 Smith's hereby jointly move the Court, pursuant to Rule 41(a)(2) of the Federal Rules of Civil
24 Procedure, to enter an Order of Dismissal With Prejudice.

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2
3 DATED this 13th day of July 2010.

4 MANNING CURTIS BRADSHAW & BEDNAR LLC

5
6 BY: 

7 Steven C. Bednar

8 David C. Castleberry

9 170 South Main Street, Suite 900

10 Salt Lake City, UT 84101-1655

11 *Attorneys for Defendant Smith's Food & Drug Centers,*
12 *Inc.*

Lyssa S. Anderson for

13 DATED this 12 day of July 2010.

14
15 BY: 

16 Richard Segerblom

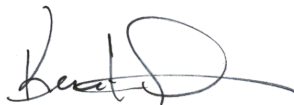
17 700 South Third Street

18 Las Vegas, NV 89101

19 *Attorney for Plaintiff*

20 **ORDER**

21 IT IS SO ORDERED:



22 UNITED STATES DISTRICT COURT JUDGE

23 Dated: JULY 16, 2010